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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/828,364	04/20/2004	Cyrille Ponet	09231-US	4875

7590

01/31/2005

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EXAMINER

BURCH, MELODY M

ART UNIT

PAPER NUMBER

3683

DATE MAILED: 01/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/828,364

Applicant(s)

PONET ET AL.

Examiner

Melody M. Burch

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The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed 4/20/04 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered. There is no concise explanation of relevance of the foreign references.

Specification

2. The disclosure is objected to because of the following informalities: It is unclear to the Examiner whether the text below "Description of the Preferred Embodiment" in paragraph [0015] is included in the specification or not since paragraph [0016] appears to include similar information – the implement is first called a circular bailing press then it is called a large round baler and the phrase "somewhat schematic" in line 1 of paragraph [0014] is unclear.

Appropriate correction is required.

Claim Objections

3. Claims 1-4 are objected to because of the following informalities: in line 3 of claim 1 the phrase "said ground wheel" should be changed to --said at least one ground wheel-- in order to maintain consistency; in line 2 of claim 2 the phrase "on sensor" should be changed to --one sensor--, in line 3 of claim 3 the phrase "said at least one

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wheel" should be changed to --said at least one ground wheel-- to maintain consistency, in line 3 of claim 3 the phrase "during road operation" should be changed to --during on-road operation--. Appropriate correction is required. The remaining claims are objected to due to their dependency from claim 1.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 2 and 3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re: claim 2. The phrase "a signal" in lines 3-4 is indefinite. It is unclear to the Examiner whether the signal in claim 2 is intended to be the same or different from that of claim 1.

Re: claim 3. The phrase "said control system" lacks proper antecedent basis in the claim. Also the phrase "it does" in the last line of claim 3 is indefinite. It is unclear to the Examiner as to which element "it" refers to.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art in view of US Patent 6312066 to Gronau et al.

Re: claim 1. The prior art discloses a towed implement for operation on-road and off-road and including at least one ground wheel, a braking system having an application device associated with the ground wheel and operative in response to an application force to apply a braking force, which corresponds to the application force to the ground wheel and at least one sensor for detecting at least one operating state of the towed vehicle.

The prior art does not include the limitation wherein the at least one sensor is coupled to the braking system and is operative for causing the application force to change upon receiving a signal from the at least one sensor.

Gronau et al. teaches in figure 1 the limitation of at least one sensor 8 being coupled to a braking system 6 and being operative for causing an application force to change upon receiving a signal from the at least one sensor as taught in lines 1-3 of the abstract and in col. 3 lines 25-29.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the arrangement in the towed implement of the prior art to have included the limitation wherein the at least one sensor is coupled to the braking system and is operative for causing the application force to change upon receiving a signal from the at least one sensor, as taught by Gronau et al., in order to provide a means of enabling improved brake performance and vehicle drivability under varying driving conditions as taught in col. 4 lines 39-43.

Re: claim 2. Prior art, as modified, teaches in figure 1 of Gronau et al. the limitation of the towed implement including a control system 4 coupled between the at least one sensor 8 and the braking system 6, and the control system influencing operation of the application device 5 in response to a signal received from the at least one sensor.

Re: claim 3. Prior art, as modified, teaches in figure 1 of Gronau et al. the limitation wherein the control system includes a manually adjustable device taught in col. 3 lines 14-16 for causing the application device to apply a different force to the at least one wheel during road operation of the implement than what it does during off road operation of the implement.

Re: claim 4. Prior art, as modified, teaches in figure 1 of Gronau et al. the limitation wherein the implement further includes at least one actuated component 2 (actuated to analyze or evaluate to determine an off-road condition) which is normally in a first condition (an evaluation determining that the vehicle is not off-road) when the implement is traveling on road and in a second condition (an evaluation determining that the vehicle is off-road) when the implement is traveling off road, and the at least one sensor senses whether the actuated component is in the first or the second condition.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patents: 3804999 to Hubbard teaches the operation of a braking system changing depending on signals from at least one sensor and 6644761

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to Schuck teaches the use of a braking system of a towing vehicle and towed vehicle combination.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melody M. Burch whose telephone number is 703-306-4618. The examiner can normally be reached on Monday-Friday (7:30 AM-4:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles A. Marmor can be reached on 703-308-0830. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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January 26, 2005

Melody M. Burch
1/26/05